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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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9 CORTICAS LAMOSEL, LDA,

No. C-05-04155 SI (EDL)

10 Plaintiff,

**ORDER VACATING SETTLEMENT  
CONFERENCE AND ORDER TO SHOW  
CAUSE**

11 v.

12 DIAGEO CHATEAU & ESTATE WINES,

13 Defendant.  
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15 On May 26, 2006, the Court issued an Order Following Settlement Conference setting a  
16 further settlement conference for August 16, 2006 and requiring Plaintiff's client representative  
17 "Fernando Olivera to appear in person unless excused by the Court, which is very unlikely." May  
18 26, 2006 Order at 1:19-20. On August 14, 2006, Plaintiff's counsel Jason Estavillo belatedly and  
19 without adequate justification requested a continuance of the August 16, 2006 settlement  
20 conference, stating that: "Fernando Olivera (The Principal of Corticas) would be unable to make the  
21 trip from Portugal to San Francisco this week due to unforeseen events." When contacted, Mr.  
22 Estavillo was unable to provide any further information about the unforeseen events that have  
23 prevented Mr. Olivera's attendance. It is clear from counsel's letter, however, that Mr. Olivera has  
24 no intention of traveling from Portugal to attend the August 16, 2006 conference.

25 There has been no showing of good cause to explain Mr. Olivera's failure to attend the  
26 settlement conference, particularly given the Court's specific order that he attend in person. By  
27 violating the Court's Order that he attend in person or obtain prior excusal, Mr. Olivera has  
28 unilaterally defeated the purpose of setting the further settlement conference. Therefore, the  
settlement conference is vacated and the Court will notify the parties of a new settlement conference  
date.

Further, Plaintiff is hereby ordered to show cause why it should not be sanctioned for violating the Court's Order requiring Mr. Olivera's attendance at the settlement conference. A show cause hearing is scheduled for August 29, 2006 at 10:00 a.m. in Courtroom E, 15th Floor, 450 Golden Gate Avenue, San Francisco, CA. Plaintiff shall file a declaration by Mr. Olivera by August 21, 2006 explaining Mr. Olivera's hereto inadequately justified absence and failure to timely seek to be excused.

**IT IS SO ORDERED.**

Dated: August 14, 2006

*Elizabeth D. Laporte*  
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ELIZABETH D. LAPORTE  
United States Magistrate Judge